



*United States Attorney
Southern District of New York*

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**LAWYER AND PRIVATE INVESTIGATOR CONVICTED OF CONSPIRACY
TO COMMIT WITNESS TAMPERING AND OBSTRUCTION OF JUSTICE**

DAVID N. KELLEY, the United States Attorney for the Southern District of New York, announced today the conviction of DONALD ROTH, a Dutchess county attorney, and DAVID ST. JOHN, a Dutchess county private investigator, on a charge of conspiracy to commit witness tampering and obstruction of justice. The verdict was returned by a jury in White Plains federal court late yesterday after a nine-week trial before United States District Judge STEPHEN C. ROBINSON.

The jury convicted ROTH, 34, and ST. JOHN, 51, of conspiring to tamper with a federal witness and to obstruct justice in the federal narcotics cases of former ROTH/ST. JOHN clients Timothy "Big Tim" Cherry and Raymond "Ray Love" Bryant.

The prosecution arose out of a long-term investigation of violent and drug crime conducted jointly by the Bureau of Alcohol, Tobacco and Firearms ("ATF") and the City of Newburgh Police Department. To date, approximately 20 others arrested in

connection with this operation have been convicted of narcotics and firearms offenses, by trial or guilty plea. The investigation also resulted in the seizure of distribution quantities of crack cocaine, cocaine and PCP, as well more than 25 firearms (including submachine guns and high-capacity weapons), and the shutting down of numerous "stash houses." The investigation has also led to the arrest and conviction of a number of defendants prosecuted in the state criminal justice system by the Orange County District Attorney's Office.

Two of those charged as part of the probe were Newburgh residents Timothy Cherry, a/k/a "Big Tim," and Raymond Bryant, a/k/a "Ray Love," both of whom were charged with crack cocaine offenses. The proof at trial showed that ROTH represented both Cherry and Bryant, and used ST. JOHN as his investigator on their cases. The evidence against Cherry and Bryant had been gathered, in part, through the use of a confidential informant ("CI") working with the ATF. The proof at trial showed that ROTH, ST. JOHN and others agreed to attempt to get the CI to sign affidavits stating falsely that CI had not conducted narcotics transactions with Cherry and Bryant.

The proof at trial also demonstrated that ST. JOHN, while working for ROTH in connection with the representation of a murder defendant in Orange County, New York, obtained false affidavits that were used to convince the Orange County District Attorney's Office to accept a plea bargain that reduced that defendant's prison sentence from a possible 25 years to life to

just 5 years.

Sentencing for ROTH and ST. JOHN is scheduled for June 18, 2004, in front of Judge ROBINSON. Both defendants face a maximum sentence of 5 years' imprisonment.

Mr. KELLEY praised the outstanding investigative efforts of the ATF and the City of Newburgh Police Department.

Assistant United States Attorneys GLENN C. COLTON and CATHY SEIBEL are in charge of the prosecution.

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